

APPLICATION FOR RIGHT OF WAY EASEMENT IN STATE LANDS
(Application Fee -- \$50.00)

NOTE: Easement requests are processed on a first come, first served basis. Department review of complete application packages may take a minimum of 120 days. Incomplete applications and those requiring further information may take longer.

The best method of describing the land needed for the right of way in all such cases is to describe the centerline and give the width on each side.

Please locate the starting point of the proposed right of way by giving its distance and bearing from the nearest public survey monument in the same section; then give the bearing and distance of each course of the line; and locate the terminus in the same manner as the starting point; whenever the line intersects a quarter section line, locate the point of intersection in the same manner also.

The description given in the application will be copied into the right of way deed. It must be so definite and complete that from it the right of way may readily be located upon the ground without the plat.

If the right of way runs through an intervening tract which is *not state land*, it may be shown on the tracing or plat, but *must not* be included in the description in the application as this might result in errors in writing the deed.

No application should include land in more than one section. Show the acreage required for the right of way in each forty-acre tract of *State land* in the place provided in this blank.

The application must be signed by or for the applicant, and certified correct by the endorsement of the engineer. *Write the name of the applicant exactly the way it is to appear in the deed.*

TRACING OR PLAT. Tracings or plats must accompany the application. These tracings or plats should be so plain that anyone can readily ascertain the section, township and range and see what forty-acre tracts the right of way runs through. A scale of 1 inch to 400 feet is commonly used.

There must be two copies of the tracing or plat duly verified by the affidavit of the land surveyor who has prepared the same endorsed thereon. They must show the "quantity of land taken by the proposed highway or street or other easement from each forty-acre tract or government lot of State land over or through which it passes and also the amount of land remaining in each portion of such forty-acre tract or government lot." (Part of Section 77-2-102(2) Montana Code Annotated)

For the sake of reference other than State lands may be shown on the plat, but they should be indicated by different colors. *If the proposed right of way follows a river or railroad right of way or other right of way, such river or right of way should be shown and also the area of the intervening strip, if any.*

The affidavit of the surveyor or professional engineer to be endorsed on the *tracing or plat* should be substantially in the following form:

STATE OF MONTANA,
County of _____ SS.
_____, being duly sworn says: That he/she is the _____ who made the survey of the right of way shown hereon; that the survey was correctly and accurately made; that the tracing or plat thereof is true and accurate and that it correctly shows the quantity of land required for the right of way in each forty-acre tract or government lot and also the amount of land remaining in each portion of such forty-acre tract or government lot.
Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

_____, Montana, _____, 200
To the State Board of Land Commissioners
State of Montana

Application is hereby made under the provisions of Section 77-2-101 through Section 77-2-107 of the Montana Codes Annotated, 1979, and Acts amendatory thereto by _____
_____ for a right of way
easement for _____

through _____, Section _____, Township _____, Range _____, County of _____.

Duly verified tracings or plats in duplicate accompany this application and are made a part hereof. The tract or strip of land required for the said right of way is more particularly described as follows:

A tract or strip of land _____ feet wide, _____ feet on each side of a centerline described as follows:

DESCRIPTION

ACREAGE TAKEN FROM EACH FORTY OR GOVERNMENT LOT OF STATE LAND

			Forwarded _____		acres
NE 3 NE 3	_____	acres	NE 3 SW 3	_____	"
NW 3 "	_____	"	NW 3 "	_____	"
SW 3 "	_____	"	SW 3 "	_____	"
SE 3 "	_____	"	SE 3 "	_____	"
NE 3 NW 3	_____	acres	NE 3 SE 3	_____	acres
NW 3 "	_____	"	NW 3 "	_____	"
SW 3 "	_____	"	SW 3 "	_____	"
SE 3 "	_____	"	SE 3 "	_____	"
Forward	_____	acres	Total	_____	acres

Signature of Applicant _____
(as the same is to appear in
the deed)

By _____

Address _____

(SEAL)

LAND SURVEYOR

I _____, the Land Surveyor who surveyed the right of way for which application is hereby made, do hereby certify that the description of the right of way as given in this application is accurate and correct in every particular according to the survey and that the acreage required for the right of way through each forty-acre tract under this petition is correctly given.

Dated at _____, this _____ day of _____, 200

Address _____
